IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

Civil Application No.24 of 2005
in
C.R.A.St No.2009 of 2005

Dattatraya Kisanrao Badhe ..Applicant
vs
Kanyaiyalal M Talera & Co..Respondents

Mr Thorat for applicant

CORAM: B.H.MARLAPALLE J
Dated 23.8.2005

P.C:

. Heard Mr. Thorat, learned counsel appearing for the applicant- original defendant no. 3. The applicant has filed CRA under Stamp No.2009 of 2005 but belatedly and hence this application for condonation of delay. Respondent no.l has been served with the notice issued by this court vide order dated 24.2.2005 and no reply has been received opposing this application.

. As per office note CRA is beyond time by 86 days. The applicant states that he was suffering from hyper tension and advised rest by his family doctor. He could not undertake travelling and therefore, was unable to contact his advocate and

instruct him. The applicant has made out a good and sufficient cause to condone the delay but on payment of costs.

. The application is therefore allowed in terms of prayer clause(a) subject to payment of cost quantified at Rs.l000/- and to be remitted to the legal services authority of this court within one week. List the CRA for admission on l2/9/2005. Ad-interim order to continue until next date.